S.B. CIVIL MISC. APPEAL NO. 834/2001

Date : 28.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Rakesh Arora for the appellant.
Mr. UCS Singhvi for the respondents.

= = = = =

Heard.

The present appeal has been preferred by the appellant for enhancement of the claim. The deceased was an artisan of wood. He was earning around Rs.150/- per day according to the Tribunal and on the basis of the same, the compensation has been computed. This Rs.150/- is the figure which has been taken from the evidence of the claimants themselves. Therefore, as far as daily earning is concerned, that has been computed by the Tribunal on the basis of evidence of claimants themselves. The deceased was of 27 years of age. A multiplier of 13 has been applied which appears to be on the lesser side. In the facts and circumstances of the case, a multiplier of 15 should have been used by the Tribunal.

Learned counsel for the Insurance company has not been able to show as to why multiplier applied is justified because the deceased was only 27 years of age and he had a young wife of 22 years at that time. In that view of the matter, the multiplier of lower magnitude has been applied which deserves to be enhanced to 15 and is accordingly enhanced.

With the above enhancement of multiplier, the Tribunal will pass a fresh award. Rest of the award is not touched.

The appeal is accordingly disposed of.

(BHAGWATI PRASAD), J.

bjsh